

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RUEBEN AVENT,

Petitioner,

-against-

NEW YORK STATE DIVISION OF PAROLE,

Respondent.

20-CV-6275 (LLS)

ORDER OF DISMISSAL

LOUIS L. STANTON, United States District Judge:

Reuben Avent filed a *pro se* action under docket number 19-CV-1197 (LLS), asserting claims for damages against his parole officers and challenging his 2009 resentencing, which amended his 2001 Rockland County judgment of conviction to include a term of post-release supervision. By order dated August 4, 2020, the Court directed the Clerk of Court to sever the claims challenging Petitioner's resentencing, which sounded in *habeas*. The *habeas* claims were then opened as a new action under this docket number, 20-CV-6275 (LLS). The Court indicated in that order that unless Avent notified the Court by September 4, 2020, of his intent to pursue a petition for a writ of *habeas corpus* under 28 U.S.C. § 2254, it would dismiss this action without prejudice.

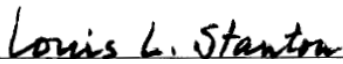
On August 10, 2020, the Court directed Petitioner, within thirty days, to either submit a completed request to proceed *in forma pauperis* ("IFP application") or pay the \$5.00 in fees if he wished to proceed with this § 2254 *habeas* petition. That order specified that failure to comply would result in dismissal without prejudice of the petition.

Petitioner has not notified the Court that he intends to proceed with a § 2254 petition challenging his 2009 Rockland County resentencing. He also has not filed an IFP application or paid the \$5.00 fee. Accordingly, the petition is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.

SO ORDERED.

Dated: September 16, 2020  
New York, New York

  
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Louis L. Stanton  
U.S.D.J.